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EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

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DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/328,657

Applicant(s)

BREITBART ET AL.

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 33-36 is/are rejected.
- 7) ☒ Claim(s) 27-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment filed on January 28, 2004. Claims 1, 7, 10-12, 14, 16, 18, 22, and 24-25 were amended. Claims 1-36 are pending. Claims 1-36 represent method and apparatus for managing address translations for replicated files in a network.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-15, 22-26, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Factor, U.S. Patent No. 6,272,523 (previously cited in an earlier office action on FORM PTO-892).

Factor teaches the invention substantially as claimed including a system and method for load balancing in a network using logical and physical addressing (see abstract).

As to claim 1, Factor teaches a method of communication between a client computer and a server computer to receive a desired file in response to a user's selection of a hyperlink displayed by a browser, the server computer being connected to the client computer by a communications network, the method comprising the steps of:

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(a) receiving, at the client, the user's selection of a hyperlink displayed by a browser, being associated with a logical reference contained in a (mapping table), the mapping table having been interpreted by the browser to display the hyperlink, the logical reference uniquely identifying the desired file independently of an electronic address at which the file is located (see figs. 1-6; col. 6, lines 20-60, Factor discloses that when a web site is contacted, a web selection function is downloaded to the client that includes a mapping table that is interpreted by the browser to display logical addresses of a physical process);

(b) identifying an electronic address corresponding to the logical reference (see col. 6, lines 25-35, Factor discloses that a physical address is identified using the logical address provided to the client transparently) ; and

(c) receiving, at the client, the file identified by the logical reference (see col. 6-7, Factor discloses that a physical process such as a web document corresponding to the logical address selected by the client is downloaded to the client).

Factor does not explicitly teach the claimed limitation of a parent file. Factor does teach that a mapping table is downloaded to the client that maps the logical address to a physical address transparently for the client (see co. 5-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Factor by specifying the mapping table as a parent file since the same functionality of mapping logical address to physical addresses is performed.

As to claim 2, Factor teaches method of claim 1, wherein the identifying step is performed at the client by reference to a list of physical references at the client, the list of physical references identifying a plurality of electronic addresses corresponding to the logical reference (see figs. 5-6; col. 5-6, Factor teaches that the mapping table downloaded to the client contains a plurality of physical addresses corresponding to the logical address selected by the client).

As to claims 3-4, Factor teaches the method of claim 2, wherein the identifying step is performed at the client by a program for selecting a server and the method further comprises the step of:

(d) receiving at the client the program for selecting a server, further comprising the step of: (e) receiving at the client a mapping table containing the logical point of access; wherein step (d) is performed during step (e); and step (e) is performed before step (a) (see col. 6-7, Factor discloses that a mapping function is downloaded to the client which uses the mapping table to select the physical address corresponding to the logical address).

As to claims 5-6, Factor teaches the method of claim 2, wherein the list of physical references is appended to the mapping table and wherein the server modifies the mapping to include the list of physical references before transmitting the mapping table to the client (See col. 6-7).

As to claims 7-9, Factor teaches the method of claim 6, wherein the server transmits the program for selecting a server to the client, wherein the server modifies the mapping table to include the server selection program, wherein the server computer modifies the mapping to include a reference to the server selection program before transmitting the mapping table to the client (see 6, lines 30-45, Factor discloses that upon each connection to a web site, a selection function in the form of a java applet is downloaded to the client for dynamically choosing the corresponding physical address).

Claims 10-15, 22-26, and 33-36 do not teach or define any new limitation above claims 1-9, and therefore are rejected for similar reasons.

4. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Factor, U.S. Patent No. 6,272,523 in view of Guenthner et al., U.S. Patent No. 6,134,588.

Factor teaches the invention substantially as claimed including a system and method for load balancing in a network using logical and physical addressing (see abstract).

As to claim 16, Factor teaches the client computer comprising:

a memory for storing programs and data; a processor for executing programs; a mapping table, stored in the memory and interpretable to display a hyperlink, the mapping table containing a logical reference uniquely identifying a desired file

independently of an electronic address at which the desired file is located (see figs. 1-6; col. 6, lines 20-60, Factor discloses that when a web site is contacted, a web selection function is downloaded to the client that includes a mapping table that is interpreted by the browser to display logical addresses of a physical process);

a list of physical references, stored in the memory, listing at least one electronic address for each logical reference in the mapping table (see col. 6-7, Factor discloses that the mapping table contains a list of physical addresses corresponding to each logical address); and

a program, stored in the memory, for selecting a server responsive to a request for the file identified by the logical reference, the program requesting the file using an electronic address from the list indicating the file's location on the selected server (see figs. 1-6; col. 6, lines 20-60, Factor discloses that when a web site is contacted, a web selection function is downloaded to the client that includes a mapping table that is interpreted by the browser to display logical addresses of a physical process)

Factor fails to teach the claimed limitation of "repeatedly select an alternate server and submit an alternate request if the file is irretrievable from the selected server until the file is transmitted to the client or until the file has been requested from all servers identified in the list". Factor does teach that the mapping table and selection function serve as to load balance the requests for web documents requested by clients (see col. 6-7).

However, Guenthner teaches a system including generation of smart HTML anchors in dynamic web page creation (see abstract). Guenthner teaches repeatedly select an alternate server and submit an alternate request if the file is irretrievable from the selected server until the file is transmitted to the client or until the file has been requested from all servers identified in the list (see col. 9, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Factor in view of Guenthner so that all physical addresses are selected repeatedly until the file is retrieved. One would be motivated to do so to provide improved server availability.

As to claim 17, Factor teaches the client of claim 16, wherein the server selection program selects a server, which is most likely to provide a fastest response time (see col. 5-7).

As to claim 18, Factor teaches the client of claim 17.

Factor fails to teach the limitation wherein the server selection program selects an alternate server, which is most likely to provide a next-fastest response time, if the first selected server fails to begin transmission of the requested file to the client within a predetermined amount of time.

However, Guenthner teaches a system including generation of smart HTML anchors in dynamic web page creation (see abstract). Guenthner teaches selecting an alternate server which is most likely to provide a next-fastest response time, if the first selected server fails to begin transmission of the requested file to the client within a predetermined amount of time (see col. 7-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Factor in view of Guenthner so that alternate servers expected to provide a next fastest response time if the first selected server fails. One would be motivated to do so to provide improved server availability.

As to claim 19, Factor teaches the client of claim 18, wherein the program for selecting a server comprises an instructional applet written in the Java programming language (see col. 6).

5. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Factor, U.S. Patent No. 6,272,523 in view of Guenthner et al., further in view of Douglas, U.S. Patent No. 6,684,332.

Factor teaches the invention substantially as claimed including a system and method for load balancing in a network using logical and physical addressing (see abstract).

As to claim 20, Factor teaches the client of claim 19.

Factor fails to teach the limitation wherein the applet employs object-signing technology to open connections to various servers and to save its state on a storage device on the client.

However, Douglas teaches a method and system for the exchange of digitally signed objects over an insecure network (see abstract). Douglas teaches java applications employing object-signing technology to open connections to various servers and to save its state on a storage device on the client (see figs. 1-8; col. 3-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Factor by employing object-signing technology to open connections to various servers and to save its state on a storage device on the client. One would be motivated to do so to automate the authorization routine at the client.

As to claim 21, Factor teaches the client of claim 20.

Factor fails to teach the limitation wherein the server selection program determines a server's expected response time on the basis of the server's times for response to past requests from the server selection program.

However, Guenthner teaches a system including generation of smart HTML anchors in dynamic web page creation (see abstract). Guenthner teaches determining a server's expected response time on the basis of the server's times for response to past requests from the server selection program (see col. 7, lines 25- col. 8, line 15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Factor in view of Guenthner so that the server's expected response time is determined on the basis of the server's times for response to past requests from the server selection program. One would be motivated to do so to provide improved server response time.

6. Claims 27-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.



Saleh Najjar

Primary Examiner / Art Unit 2157